



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,876	10/03/2003	Minh Duy Khuc	1202a	1277
28/004 SPRINT 6391 SPRINT PARKWAY KSOPHT0101-Z2100 OVERLAND PARK, KS 66251-2100	7590 06/16/2009			
			EXAMINER	
			PHAN, TRI H	
			ART UNIT	PAPER NUMBER
			2416	
			MAIL DATE	DELIVERY MODE
			06/16/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

<b>Application No.</b> 10/678,876	<b>Applicant(s)</b> KHUC ET AL.
<b>Examiner</b> TRI H. PHAN	<b>Art Unit</b> 2416

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 01 June 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-13 and 15-26.  
Claim(s) withdrawn from consideration: 14 and 27.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☒ Other: See Continuation Sheet.

/Tri H. Phan/  
Primary Examiner, Art Unit 2416

Continuation of 13. Other: The proposed amendments filed after a final rejection, but prior to the date of filing a brief have been fully considered but do NOT place the application in condition for allowance because the applicant's arguments for claims 1-13 and 15-26, filed on June 1, 2009 (see REMARKS, pages 6-7); are not persuasive. The traversal is mainly based on the ground:

Regarding claim 1, Applicant argues that Robrock (US 5,680,390) fails to teach "processing signaling ... to generate a query to a call center having a plurality of devices within the call center; and transmitting the query to the call center." Examiner respectfully disagrees. Robrock discloses the query and response generated and transmitted to BINs SCP/ISCP of fast-packet switch (a call center) through reference characters 45 and 45B as specified in figs. 1A-B and 2A-B; for voice call signaling and where a plurality of operations systems 'OSs' 80 are "plurality of devices" within the call center as disclosed in col. 4, lines 50-55.

Applicant also asserts that SCP and fast-packet switch are not equivalent to a "call center"; operation systems 80 are not equivalent to a "plurality of devices" within the call center. Examiner respectfully disagrees. Robrock reference discloses the BIN SCP/ISCP of fast-packet switch ("call center") receive and response to the query for controlling the call services handling (figs. 1A-B; 2A-B); and where the OSs 80 are devices within the "call center" (figs. 1A-B; 2A-B). Perhaps applicant refers to certain features for defining a specific "call center" and "devices" within the call center that are disclosed in the present application but not recited in the rejected claims in making the contention that the Robrock reference fails to show certain features of applicant's invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

Applicant further argues that Robrock fails to disclose "a query response includes a packet address that identifies a device from among the plurality of devices within the call center" as recited in claim 1. Examiner respectfully disagrees. Robrock does disclose signaling cells such as response cells, command cells, with provided address to device, e.g. resource unit, as specified in col. 7, lines 36-52; col. 8, lines 23-31; for establishing connection, services and control purposes as defined in col. 6, lines 59-63.

Independent claim 15 contains limitations similar to claim 1 and is therefore rejected for the same reasons as claim 1.

Claims 2-13 and 16-26 remain rejected as set forth in the final rejection of paper no. 20090325; and by virtue of their dependence from claims 1 and 15.